

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FILED - CLERK  
U.S. DISTRICT COURT  
2005 MAY -2 PM 4:06  
TX EASTERN-BEAUMONT  
BY 7C

CRAIG HUDSON

§

VS.

§

CIVIL ACTION NO. 1:05cv165

FEDERAL DISTRICT COURTS

§

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Craig Hudson, an inmate confined at the Jefferson County Correctional Facility, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge. The magistrate judge recommends dismissing the petition without prejudice to allow petitioner to exhaust state remedies.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

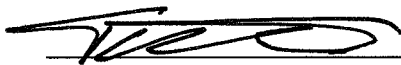
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). Petitioner believes that he exhausted available state court remedies because he filed pre-trial motions requesting a speedy trial. However, there are other state court remedies available to the petitioner, such as filing an application for writ of habeas corpus

pursuant to Texas Code of Criminal Procedure art. 11.08. After careful consideration, the court concludes the objections are without merit.

**ORDER**

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this 29 day of April, 2005.

  
THAD HEARTFIELD  
UNITED STATES DISTRICT JUDGE